

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Patricia A Honesty

Debtor

CIT Bank, National Association, or its Successor
or Assignee

Movant

vs.

WILLIAM C. MILLER , Trustee

Patricia A Honesty

Respondents

Chapter 13

Bankruptcy No. 16-18369-amc

OBJECTION TO PLAN

CIT Bank, National Association ("Creditor") is a secured creditor of the above Debtor and by its counsel hereby objects to the Debtor's Chapter 13 Plan ("Plan") as follows:

1. Creditor is in the process of filing a Proof of Claim with respect to its secured interest in real property of the Debtor or of the estate which is commonly known as and located at 337 E High Street, Philadelphia, Pennsylvania 19144 ("Property"); such Proof of Claim will indicate a principal balance in the amount of \$130,420.71, and an estimated arrearage claim in the amount of \$6,465.95. The claims bar date is set for May 2, 2017.

2. The Plan does not propose a specific amount to be paid towards Creditor's arrearage claim; accordingly, it is unclear if the Plan provides for the full value of Creditor's claim. A copy of the Debtor's Chapter 13 Plan is attached hereto as Exhibit A.

3. The Property is the primary residence of the Debtor.

4. The provisions of 11 U.S.C. § 1322(b)(2) prohibit debtors from modifying, through the Plan, the rights of secured creditors holding an interest in real property secured only by a Debtor's principal residence. To the extent the Plan attempts to do so, it cannot be confirmed.

5. The Plan violates the provisions of 11 U.S.C. § 1325(a)(3) and 11 U.S.C. § 1325(a)(5)(B)(ii) to the extent that it fails to provide Creditor with the full value of its claim.

WHEREFORE, for the foregoing reasons, CIT Bank, National Association requests that an Order be entered denying confirmation of the Chapter 13 Plan and for such other and further relief as is just.

/s/ Ann E. Swartz

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